THE HON'BLE MR JUSTICE R.SUBHASH REDDY

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WRIT PETITION NO : 18170 of 2005

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Dated:22.09.2005

Between:

B. Chandrasekhar Raju S/o. Narasaraju
R/o. Stall.No.43/133-A1, Near ECM School, Kurnool, and another.

..... PETITIONERS

AND

The Deputy Superintendent of Police
Kurnool, and another.

.....RESPONDENTS

ORDER:

This writ petition is filed seeking a writ of Mandamus directing the first respondent not to interfere with the possession of the petitioners in Survey No.155/A, 43rd Ward, bearing D.Nos.43/133/A1 and 43/133/A2, N.R.Pet, Kurnool.

It is the case of the petitioners that they have obtained an open site on lease from T.M.T.(India) Limited, Kurnool, and constructed sheds and are doing business. It is their case that though they are in possession of the same by virtue of the lease from T.M.T.(India) Limited, the first respondent is interfering with their possession and insisting for vacation of the premises at the instance of the second respondent.

A counter affidavit is filed on behalf of the first respondent denying the allegations of the petitioners. The first respondent categorically denied the allegations of the petitioners that the second respondent approached the first respondent seeking his assistance for vacation of the premises.

The learned counsel for the second respondent submits that the second respondent is the owner of the property in question, and that she has purchased the same from T.M.T.(India) Limited, by registered sale deed dated 11.03.2004 and is in possession.

Whether the petitioners are in possession by virtue of the tenancy or the second respondent is in possession, is a matter, which cannot be gone into in this writ petition under Article 226 of the Constitution of India. But, at the same time, in the counter affidavit filed by the first respondent it is categorically stated that there is no interference by him and there is also no such instance where the second respondent sought assistance for vacation of the premises.

In that view of the matter, I dispose of the writ petition directing the first respondent not to interfere in the matter, and the petitioner as well as the second respondent may work out the remedies in the Civil Court with regard to their civil disputes.

Subject to the above, this writ petition is disposed of. No order as to costs.

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(R.SUBHASH REDDY, J)

22.09.2005

vs